IN THE HIGH COURT OF GUJARAT AT AHMEDABAD.

SPECIAL CRIMINAL APPLICATION No 279 of 2000

For Approval and Signature :

Hon'ble MR. JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the Judgment ?

2. To be referred to the Reporter or not?

3. Whether Their Lordships wish to see the fair copy of the Judgment ?

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge?

NAVIN JETHALAL MEHTA
VERSUS
STATE OF GUJARAT

Appearance:
MR MM TIRMIZI for Petitioner
MR SAMIR J DAVE, APP, for Respondent

CORAM : MR JUSTICE S.K. KESHOTE
Date of Decision : 17/02/2001

C.A.V. JUDGMENT

#. Heard the learned counsel for the parties.

#. Before proceeding to consider and decide the matter

on merits, few things are to be stated which the Court noticed from the record of this special criminal application. In the index, the petitioner or his counsel, have not cared to give out pages of the petition and the documents. In the index, it is mentioned that the petitioner is enclosing the following document with the petition, namely, annexure `A', `B' and `C'. However, the petitioner has not filed any document whatsoever along with this petition. This way of filing the petition by the petitioner deserves to be deprecated. The petitioner and his counsel should be careful to see that the petitions are being filed in proper order. It is unfortunate that office has also circulated the matter without first insisting the office objections which are apparent on the face of the record to be removed by the petitioner.

#. The facts of the case as emerge from the memo of the petition are that the FIR has been registered against the petitioner and other employees being CR I 282/97 with Pydhonie Police Station, Mumbai on 11-7-97 inter-alia alleging that the petitioner and other employees of the Punjab and Sindh Bank committed theft of the drafts. Copy of this F.I.R. is stated to be annexed and marked as annexure `A', but as stated earlier, this document is not on the record. Thereafter, what the petitioner stated that it was found that some drafts which were stolen from the aforesaid Bank of its Mumbai branch were presented in the Bank of India, Navrangpura Branch, Nr. Swastik Cross Roads, Ahmedabad on 9-7-97, whereas one draft was presented in the Textile Processors Cooperative Bank, Astodia Road Branch, Panch Pipli, Opp. Anjuman High School, Ahmedabad, and it was learnt that all the four drafts came to the Punjab and Sindh Bank, having its branch office on Gandhi Road, Ahmedabad were found to be stolen drafts . Thus, FIR has been filed and accordingly criminal case has been registered as Criminal Case No.7/98 in the Court of Metropolitan Magistrate, 12th Court, Ahmedabad. In connection with the other three drafts, an F.I.R. was registered with the Navrangpura Police Station being C.R. No. I 356/97. It is the say of the petitioner that for one offence of stealing of draft with a view to encash the same, three different offences have been registered with different police stations. The petitioner, in these facts, prayed for direction for joint trial of the offences registered with Pydhonie Police Station at Mumbai, Gaekawad Haveli Police Station, Ahmedabad and Navrangpura Police Station, Ahmedabad either at Mumbai or Ahmedabad in the interest of justice.

#. Learned counsel for the petitioner relying on the provisions as contained in sections 186 and 210 of the Cr.P.C. contended that as the offences at two places registered i.e. Mumbai and Ahmedabad are the same, are to be investigated and tried at one place.

#. This contention has been strongly opposed by the learned counsel for the respondents.

#. Having heard the learned counsel for the parties, I am satisfied that it is not a case where the relief of the nature as prayed for by the petitioner may be granted. If we go by the facts, in this case the offence complained of at Mumbai and that complained of at Ahmedabad at two police stations are altogether distinct and separate. There at Mumbai offence is of stealing of the draft whereas at Ahmedabad the offence is of using of the stolen draft. In these facts and circumstances, this petition is wholly misconceived and the relief of the nature as prayed for by the petitioner cannot be granted.

#. In the result, this special criminal application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted stands vacated. The petitioner is directed to pay costs of this petition to the State of Gujarat.

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